

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	)	Case No. 17-70492-JAD
	)	
GERALD MILLER AND	)	
CATHERINE MILLER,	)	Chapter 13
	)	
Debtors.	)	
	)	
	)	Doc. No.
	)	
	)	Related Doc. No. 57
	)	
	)	
	X	

ORDER OF COURT CONFIRMING PLAN  
AND SETTING DEADLINES FOR CERTAIN ACTIONS

**I. PLAN CONFIRMATION:**

**IT IS HEREBY ORDERED** that the Amended Chapter 13 Plan dated **July 5, 2018 (ECF No. 57, the "Plan")** is **CONFIRMED**, at the Plan confirmation hearing held on **May 3, 2019**. Objection to the Plan filed by creditor (at ECF No. 76) is overruled. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. Only those provisions which are checked below apply to this case:

- ☐ **A.** For the remainder of the Plan term, the periodic Plan payment is amended to be \_\_\_\_\_ as of \_\_\_\_\_. Debtor(s) counsel shall file a motion to amend the income attachment order within five (5) days of the date of this Order.
- ☐ **B.** The length of the Plan is increased to a total of \_\_\_\_\_ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ **C.** Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees.

☐ **D.** Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. § 506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. § 507, and all objections to claims.

☐ **E.** The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

☐ **F.** \_\_\_\_\_ shall be paid monthly payments of \$ \_\_\_\_\_ beginning with the Trustee's \_\_\_\_\_ distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.

☐ **G.** The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: \_\_\_\_\_.

☐ **H.** Additional Terms:

**II. IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan:** Pursuant to Fed.R. Bankr. P. 2002(b), this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this Confirmation Order upon its entry.

**B. Applications to Retain Brokers, Sales Agents, or Other Professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Debtor(s) counsel or (Debtor(s), if not represented by counsel), must review all proofs of claim within thirty (30) days after the claims bar date. All objections to pre-petition claims shall be filed within ninety (90) days after the claims bar date, thereafter allowing at least thirty (30) days for a response.

**D. Motions or Complaints Pursuant to §§ 506, 507 or 522.** All actions to determine the priority, avoidability or extent of liens, all actions pursuant to 11 U.S.C. §§ 506, 507 and 522 shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within ten (10) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) also shall file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claims as filed causes the Plan to be underfunded.

**III. IT IS FURTHER ORDERED THAT:**

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to 11 U.S.C. § 1322(b)(2), nothing



in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on Debtor(s) or counsel for Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payment shall notify Trustee, Debtor(s) Counsel, and Debtor(s) at least twenty (20) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with W.PA.LBR 2016-1 before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a ***Certificate of Default and Request for Dismissal of the Case*** in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an ***Affidavit of Default*** by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

BY THE COURT,



JEFFERY A. DELLER sjk

United States Bankruptcy Judge

Dated: May 3, 2019

cc: All Parties In Interest to be served by Clerk in 7 days from the date of this Order.

**Certificate of Notice Page 5 of 6**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Gerald Miller  
 Catherine Miller  
 Debtors

Case No. 17-70492-JAD  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: dkam  
 Form ID: pdf900

Page 1 of 2  
 Total Noticed: 32

Date Rcvd: May 03, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 05, 2019.

db/jdb  
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 14651648  
 14651649  
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 14651652  
 14651653  
 14925570  
 14651655  
 14662386  
 14674963  
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 14651662  
 14651663  
 14651665  
 14680336  
 14652365  
 14652364  
 14651667  
 14651668  
 14743832

+Gerald Miller, Catherine Miller, 103 Jacksonville Road, Homer City, PA 15748-1108  
 +S&T Bank, 355 North Fifth Street, Indiana, PA 15701-1940  
 +ASCAP, P.O. Box 331608, Nashville, TN 37203-7515  
 +Berkheimer, P.O. Box 995, 50 North Seventh St., Bangor, PA 18013-1798  
 +Blackburn Russell Company, Inc., 157 Railroad St., P.O. Box 157, Bedford, PA 15522-0157  
 Brian M. Kile, Esquire, One Gateway Center, 9th Floor, Pittsburgh, PA 15222  
 +CICJSA Sewage, 603 South Main Street, Homer City, PA 15748-1615  
 +CICWA Water, 30 East Wiley Sreet, Homer City, PA 15748-1543  
 Edna Miller, 103 Palmer Ave., Patton, PA 16668  
 Elderton State Bank, 143 North Main Street, Elderton, PA 15736  
 +Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013  
 +First Commonwealth Bank, c/o McGrath McCall, P.C., Four Gateway Center, Suite 1040, 444 Liberty Avenue, Pittsburgh, PA 15222-1225  
 +Fox's Pizza Den, 4425 William Penn Highway, Murrysville, PA 15668-1917  
 +Fox's Pizza Distribution, Inc., c/o Jeffrey Owen, Esq., Cooper Owen & Renner, 1 Priority Lane, Box 419, Murrysville, PA 15668-6617  
 +Gregory & Annette Cusiamo, 50 E. Liberty Street, Homer City, PA 15748-1122  
 +Hugills Sanitation, 779 Front Street, Mahaffey, PA 15757-8909  
 +Jeffrey R. Owen, Esquire, Cooper Owen & Renner, P.C., 1 Priority Lane, P.O. Box 419, Murrysville, PA 15668-0419  
 +MailShark Marketing, 4125 New Holland Rd., Mohnton, PA 19540-8632  
 NuC02, P.O. Box 417902, Stuart, FL 34997  
 +Penelec, P.O. Box 16001, Reading, PA 19612-6001  
 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828  
 S&T Bank, c/o Brian M. Kile, Esquire, Grenen & Birsic, PC, One Gateway Center, 9th Floor, Pittsburgh, PA 15222  
 +S&T Bank, 355 North 5th Street, Indiana, PA 15701-1940  
 +S&T Bank, PO Box 190, Indiana, PA 15701-0190  
 +S&T Bank/Visa, P.O. Box 790408, Saint Louis, MO 63179-0408  
 U S Department of Education, P O Box 16448, St. Paul, MN 55116-0448

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14651654  
 14651656  
 14651660  
 14651664  
 14653367  
 14665158

+E-mail/Text: documentfiling@lciinc.com May 04 2019 02:22:38 Comcast, 676 Island Pond Rd., Manchester, NH 03109-4840  
 E-mail/Text: bankruptcynotice@fcbanking.com May 04 2019 02:22:43 First Commonwealth Bank, P.O. Box 400, Indiana, PA 15701  
 +E-mail/Text: cio.bncmail@irs.gov May 04 2019 02:22:49 Internal Revenue, Bureau of Collections and Taxpayer Servi, P.O. Box 2811041, Harrisburg, PA 17128-0001  
 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us May 04 2019 02:23:10 PA Department of Revenue, Bureau of Compliance, 5th Floor Strawberry Square, Harrisburg, PA 17128-0001  
 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com May 04 2019 02:28:50 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 E-mail/Text: RVSVCBICNOTICE1@state.pa.us May 04 2019 02:23:10 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, PA 17128-0946

TOTAL: 6

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

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FIFTH THIRD BANK  
 Fifth Third Bank  
 Fox's Pizza Den, Inc.  
 Fox's Pizza Distribution, Inc.  
 +First Commonwealth Bank, c/o McGrath McCall, P.C., Four Gateway Center, Suite 1040, 444 Liberty Avenue, Pittsburgh, PA 15222-1225  
 +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828  
 +Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013  
 ##Peoples Gas, P.O. Box 6766, Pittsburgh, PA 15212-0766

TOTALS: 4, \* 4, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-7

User: dkam  
Form ID: pdf900

Page 2 of 2  
Total Noticed: 32

Date Rcvd: May 03, 2019

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 05, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 3, 2019 at the address(es) listed below:

Brian M. Kile on behalf of Defendant S & T Bank bkile@grenenbirsic.com,  
mcupec@grenenbirsic.com/lstanger@grenenbirsic.com  
Brian M. Kile on behalf of Creditor S&T Bank bkile@grenenbirsic.com,  
mcupec@grenenbirsic.com/lstanger@grenenbirsic.com  
Donald R. Calaiaro on behalf of Plaintiff Catherine Miller dcalaiaro@c-vlaw.com,  
cylaw.ecf.dcalaiaro@gmail.com/aheath@c-vlaw.com/kmosur@c-vlaw.com/bhassain@c-vlaw.com/ssimmons@c-vlaw.com/mpeduto@c-vlaw.com  
Donald R. Calaiaro on behalf of Joint Debtor Catherine Miller dcalaiaro@c-vlaw.com,  
cylaw.ecf.dcalaiaro@gmail.com/aheath@c-vlaw.com/kmosur@c-vlaw.com/bhassain@c-vlaw.com/ssimmons@c-vlaw.com/mpeduto@c-vlaw.com  
Donald R. Calaiaro on behalf of Debtor Gerald Miller dcalaiaro@c-vlaw.com,  
cylaw.ecf.dcalaiaro@gmail.com/aheath@c-vlaw.com/kmosur@c-vlaw.com/bhassain@c-vlaw.com/ssimmons@c-vlaw.com/mpeduto@c-vlaw.com  
Donald R. Calaiaro on behalf of Plaintiff Gerald Miller dcalaiaro@c-vlaw.com,  
cylaw.ecf.dcalaiaro@gmail.com/aheath@c-vlaw.com/kmosur@c-vlaw.com/bhassain@c-vlaw.com/ssimmons@c-vlaw.com/mpeduto@c-vlaw.com  
Jacob Oresick on behalf of Creditor Fox's Pizza Den, Inc. joresick@cbattorneys.com  
Jacob Oresick on behalf of Creditor Fox's Pizza Distribution, Inc. joresick@cbattorneys.com  
James Warmbrodt on behalf of Creditor FIFTH THIRD BANK bkgroup@kmlawgroup.com  
James Warmbrodt on behalf of Creditor Fifth Third Bank bkgroup@kmlawgroup.com  
James W. Creenan on behalf of Creditor Fox's Pizza Den, Inc. jcreenan@cbattorneys.com,  
bhancock@cbattorneys.com  
James W. Creenan on behalf of Creditor Fox's Pizza Distribution, Inc.  
jcreenan@cbattorneys.com, bhancock@cbattorneys.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Preston D. Jaquish on behalf of Creditor First Commonwealth Bank pjaquish@lenderlaw.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,  
srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 16